

Summer 2014

# Richmond Law Magazine: Summer 2014

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L.L.M. program launching

Loving legal aid

A Spider attorney general

# RICHMOND LAW

The University of Richmond School of Law Alumni Magazine • Summer 2014







## The gratitude of strangers

Even the sharpest criticism of Virginia's new attorney general, Mark Herring, L'90, pales in comparison, he says, to the positive effect he believes his office is having on people's lives. In the wake of some of his biggest announcements, people have approached him, often in tears, to say how thankful they are for his work. "I'll never forget those conversations," he said. Read more about his first six months in office on page 18.

*Photograph by Stephen Voss*







## In the public interest

There are no easy cases in the Richmond Federal Public Defender's Office, where the crimes are serious and the clients can be unsympathetic, particularly post-conviction. But **Jill Foglyano, L'14**, and **Zack MacDonald, L'15**, didn't just land there by accident this summer. They sought out internships in the office out of a commitment to justice and public service.

The summer offered Foglyano the chance to step fresh from her criminal procedure course this spring right to representing a client during a detention hearing early in the summer. The experience appeals to her desire for a career inside courtrooms practicing law in a way she finds meaningful. "If I have to work everyday," she said, "I'd rather it's something I'm proud of doing rather than just for the paycheck."

MacDonald is similarly driven as he goes through case files to identify clients who may be eligible for a new clemency program that the Department of Justice is rolling out. "I'm interested in law because I'm interested in justice," he said. "This is a unique opportunity for me to get involved now and help real people."

Both are supported by a summer stipend, one of the many examples of how alumni giving provides critical support for the exceptional opportunities available to Richmond Law students. Your gift is an investment in them.



By giving to the University of Richmond School of Law's Annual Fund, you ensure that students like Jill and Zack can pursue a comprehensive legal education. These opportunities to experience the legal profession firsthand would not be possible without the generosity of alumni and friends. Your gift is an investment in our students and the law school's future.



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## Our commitment to serve



Dear Alumni and Friends,

In the academic world, the year ends with graduation, and with the year's end comes the opportunity to celebrate the accomplishments of our students, faculty, and alumni. This year, once again, I am struck by how many of those accomplishments reflect a deep-seated commitment to serving others.

Richmond Law alumni continue our long tradition of service in government and to the bar. Mark Herring, L'90, was elected Attorney General of Virginia. Edward Weiner, L'80, became president-elect of the Virginia State Bar, and John Walker, L'89, serves as president of the Virginia Bar Association. And Marla Decker, L'83, was sworn in as a judge on the Virginia Court of Appeals, joining fellow alumni Walter Felton, L'69, Stephen McCullough, L'97, and Teresa Chafin, L'87, on that distinguished court.

Our students likewise exemplify selfless service. They have already enthusiastically embraced the professional obligation to give back to those in need, providing more than 2,600 hours of pro bono service to the community last year alone. And many Richmond Law students enter public service immediately upon graduation; in a recent survey, our school ranked 33rd in the country for placing graduates in federal clerkships and 20th in the country for placing graduates in state court clerkships.

Epitomizing that commitment to service are Christie Marra, L'91, and Kathleen Dwyer, L'14, who were both honored by the Virginia State Bar. Christie

received the Legal Aid Award and Kathleen was awarded the Virginia State Bar's prestigious Oliver White Hill Law Student Pro Bono Award for her tireless work in Richmond Law's Veterans Law Program and its Criminal Appeals Program. Through the Criminal Appeals Program, Kathleen had the unique opportunity to argue a case in the Virginia Court of Appeals (before the newly appointed Judge Decker, no less).

A commitment to serve our broader community and profession is also a core value for our faculty; through research and scholarship they are tackling issues ranging from alternative energy to the death penalty. A representative example of their high-impact work is an influential report on toxic chemical regulation in Virginia. The report, written by Professor Noah Sachs and Ryan Murphy, L'14, is detailed in this issue.

As leaders and privileged members of our society, attorneys must always remember our obligation to serve others. No one does that better than the Richmond Law community.

Best wishes to all,

A handwritten signature in black ink that reads "Wendy C. Perdue".

Wendy Perdue  
Dean



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Wendy Perdue

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# FOR THE RECORD

*A look at the people, events, and issues making news at Richmond Law*



## Richmond Law to launch an LL.M. program

*The new degree program will serve foreign-educated lawyers.*

Richmond Law will launch a new degree program in the fall semester of 2015. The degree, a Master of Laws, or LL.M., will serve foreign-educated lawyers attracted to the benefits of advanced legal study in the United States.

“The law today is truly international, and so are we,” Dean Wendy Perdue said. “The creation of this program is consistent with our longstanding commitment to international education and offers an opportunity to further enhance the international profile and reputation of Richmond Law.”

Richmond Law has a long history of international education. The law school typically has about five exchange students each semester and an average of seven international students at any given time. Two recent faculty hires — Chiara Giorgetti and Andrew Spalding — continued the long legacy of faculty with international research and teaching interests, and the school offers students and faculty international experiences in places as varied as the United Kingdom, Ghana, Turkey, and South Korea. The student-run *Richmond Journal of Global Law and Business* will print its 12th volume in the upcoming academic year.

The LL.M. program, which was approved by the University's board of trustees in April, will be modest in size. Recruiting will begin this summer, with

a goal of enrolling four-to-six students in the first year. Within five years, that number could rise to 15 students. The degree will require 24 credits, which full-time students will be able to complete in one year.

LL.M. programs have become increasingly common throughout the United States — nationally, 150 of the 202 U.S. law schools offer some type of LL.M. degree. A majority of these programs include foreign lawyers, and all of the nation's top-50 law schools, as ranked by *U.S. News & World Report*, offer LL.M. programs intended for foreign lawyers.

The new degree program “reflects the reality that law, like the clients lawyers represent, crosses borders, and it is increasingly necessary for lawyers to be knowledgeable about other legal systems,” Perdue said.

Lawyers in other countries seek out legal training in the United States for a variety of reasons. Some seek exposure to the common law system in general and the U.S. system in particular. Others come to improve their facility in legal English — the lingua franca of international law — or to gain a credential that allows them to take a U.S. bar exam. In recent years, nearly 30 percent of those taking the bar in New York have been foreign-educated.

LL.M. programs are particularly attractive to U.S.-based firms with offices around the world who want to expand the capabilities and portfolios of their attorneys abroad. The school intends to reach out to prospective students through Richmond Law alumni at leading international firms, as well as through law alumni living abroad and previous international students who studied at Richmond Law.

Chiara Giorgetti, who holds degrees from the University of Bologna in Italy, the London School of Economics, and Yale University Law School, will serve as the program's first faculty director.



## A sure bet

Students were the real winners at the annual “Raising the Stakes for Public Interest” Auction and Casino Night, held this year at the Science Museum of Virginia in downtown Richmond. Through a live and silent auction, the event raised nearly \$25,000 to support students working in public interest internships.

## Summer fellow news

Second-year law students Kristina Ferris and Sarah Padway emerged out of a pool of candidates from more than 140 law schools to become recipients of Peggy Browning Fellowships for this summer. The fellowships provide law students with work experiences fighting for social and economic justice.

Their second-year classmate, Christina Sorenson, received a Bergstrom Child Welfare Law Summer Fellowship. Through the fellowship, students gain experience and provide much-needed services to various child welfare offices specializing in representing children, parents, and social service agencies.

## Cost-conscious

Law students are intimately familiar with the significant investment of time and dedication that law school requires. But some don't know enough about the impact of the financial investment, particularly if they are borrowing to meet it.

That's the conclusion of a team made up of representatives from the law school, enrollment management, and the University's communications office that this spring examined ways to increase the financial literacy of law students to position them well for life after graduation.

The team's recommendations include adding more information about financial literacy online and offering quarterly lunchtime financial literacy sessions to Richmond Law students, which will begin

this fall. The team also continues to evaluate other options for better serving students, including the feasibility of one-on-one counseling for borrowers with significant debt levels.

## Good news

Richmond Law rated among the nation's 18 best private law schools as a “Best Value,” according to *The National Jurist* magazine. The schools on the list “get graduates jobs and don't saddle them with big debt,” wrote the editors.



Virginia Lawyers Media, publishers of *Virginia Lawyers Weekly* and *Virginia Medical Law Report*, named Dean Wendy Perdue and alumnae Lori Jones Bentley, W'90, L'96; Sharon K. Eimer, L'89; Megan Conway Rahman, L'98; and Robin Robertson Starr, L'79, to its 2014 class of “Influential Women of Virginia.”

Natalie Warrington, L'14, received the grand prize in the 2014 Global Markets Law Writing Competition. Her article “Bear Stearns and Lehman Brothers: Was TBTF a Factor?” will be published in the summer volume of *Global Markets Law Journal*.

## NEWS

## A motion to assist



Davidson in the Pampas Grande

Charles Davidson, L'15, adopted a simple approach to an internship he recently completed through the Carrico Center for Pro Bono Service: “I helped anywhere I could.”

The internship took him far — from the nuances of revising an application for 501(c)(3) tax-exempt status to leading a greenhouse construction project in the Pampas Grande, a small mountain district in Peru. His work assisted the Richmond Global Health Alliance, which serves the health needs of Pampas Grande residents.

RGHA is an interdisciplinary service project that involves, among others, lawyers and law students connected to Richmond Law and health care professionals connected to Virginia Commonwealth University's School of Medicine. Its work in Peru began through another Spider connection: a now-annual spring break trip by a group of Richmond undergraduates in 2007. This summer, five VCU medical students and 12 Richmond undergraduates will participate.

Robert Stilson, L'14, who also served as an RGHA intern through the Carrico Center, said the interdisciplinary collaboration was key to delivering effective services to residents.

“You have a common external goal that everybody works for,” he said. “It's such a laudable and tangibly good thing, and that makes the work environment really good.”



## ETIQUETTE

## J.D.s, mind your Ps and Qs



**How's this for a job interview question: Now that you've stirred sweetener into your iced tea, what do you do with the dripping wet spoon?**

For law students breaking bread with prospective employers, quiet questions of etiquette can be among the most vexing. That's why each year the Career Development Office invites author, lawyer, and former White House assistant chef Mary Crane to campus for a sit-down meal with students.

Her menu includes a healthy serving of etiquette tips and an ask-anything attitude that keeps the mood light and the advice flowing.

"The whole objective of the meal is to put them in a real-life dining situation because we know questions will suddenly pop into their brains when they're confronted with something that wouldn't typically occur to them," she said.

The stakes of such meals are high. Credentials get candidates to the table, but what employers often hope to understand between courses is how expertly a candidate manages social interactions, including with the wait staff, Crane said. Her goal is, in part, to ease students' anxiety.

"I'm very conscious of keeping the meal fun so that students are laughing and enjoying themselves in a comfortable environment," she said. "This is the sort of stuff you wish your mom had told you. I want students to acquire a level of confidence that tells them, 'I got this.'"

## Demystifying the job market

As a student, John Della Porta, L'13, stopped into the Career Development Office for "one or two meetings," he said, but didn't really begin his job search in earnest until after his bar exam.

"My first and second years, I didn't know what I wanted to do. As a 3L, I could've been more proactive about job searching, but I was so focused on prepping for the bar. Thinking about jobs seemed so far away."

When the bar exam came and went, he found himself well-credentialed but with no idea where to turn. In stepped Liz Jones, L'09, one of four advisers in the Career Development Office. She transformed what had been an amorphous, frustrating process for Della Porta into a series of manageable steps that landed him where he is today, an assistant district attorney in Rensselaer County, N.Y.

Their initial conversation, which happened by phone, lasted more than an hour, Della Porta said. In the months that followed, Jones not only provided sources for job leads and reviewed multiple drafts

of cover letters and résumés — "It must've been about 20 different times," he said — but also guided him in ways he didn't expect. For example, at her suggestion, he began volunteering at a local public defender's office to keep his résumé current and increase his networking connections.

"Liz was great," Della Porta said. "Her attitude was, 'This is something that can be done, and this is how it will be done.' That was it."

If the primarily post-graduation partnership between Della Porta and Jones is atypical, that's just the way Janet Hutchinson, associate dean for career development, wants it. Hutchinson came to Richmond Law in 2012 from Emory University School of Law and, before that, stints in law firm recruiting and professional development in the Atlanta area, career services at Northwestern University School of Law in Chicago, and law practice in Research Triangle Park in North Carolina.

Among her charges upon arrival was to develop and implement plans for more student-centered programs and services. The office has begun offering a fuller



Liz Jones, L'09, is one of four career advisers helping students plan their career development.



suite of programming that begins with a career immersion event just a few weeks into law students' first year and builds step-by-step through skills development, panel discussions and other networking opportunities, and nuts-and-bolts search help as students develop and hone their professional interests.

Her office has also begun pairing students with a specific adviser for the duration of their law school experience so that advisers understand students' individual needs better. "Once we get to know our individual students and what they're interested in and pursuing, we can bring more things to their attention," she said. "They're checking in with us, but we're also checking in with them."

The law school now also guarantees every law student at least one summer stipend to support a law-related summer experience they might not otherwise be able to afford to pursue.

"We hope that when students leave us, they're prepared for lifelong career development and advancement," Hutchinson said. "It's no longer that case that students graduate and go on to a job that they'll stay in forever. It's likely they're going to have several jobs in the course of their careers. We want them to be prepared, not just for that first job, but for all of the moves."

Alumni play a key role in her office's work by serving as panelists, mentors, and potential employers. "We hope that alumni interested in participating in our programs will contact us and be responsive to students who contact them for informational interviews," she said. "From an employer development perspective, we also hope they will think about us when they have a need — whether it's a summer position or a full-time position — because we're doing so much to get our students ready to enter the profession."

*For more information, go to law.richmond.edu/career. Alumni may contact Hutchinson directly at janet.hutchinson@richmond.edu or 804-287-6427.*

## Academic affairs

After 19 years of service as associate dean for academic affairs, W. Clark Williams will return to the full-time faculty of the law school. Jim Gibson, founding director of the Intellectual Property Institute, will assume Williams' former role overseeing curricular matters in the school. He formerly chaired the faculty's curriculum committee. Chris Cotropia will take over as director of the Intellectual Property Institute.



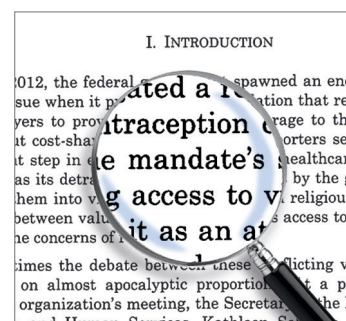
**Williams**

The University's provost, Steve Allred, has stepped down from that position and, following a one-year sabbatical, will teach in the areas of public law and government.

The provost is the University's chief academic officer. Making light-hearted remarks at a reception marking Allred's transition, Dean Wendy Perdue joked, "I've worked for him. In a couple of months, he'll work for me. I haven't quite figured out who has the upper hand at the moment."

## SCHOLARSHIP

### Supreme citation



**"Will anyone really read my law review article?"**

Many law students, as they get the news of publication in law reviews, no doubt ask themselves that question in the backs of their minds.

Jonathan Tan, L'14, got his answer. It was an emphatic, "Oh yes."

His article — published in the May 2013 issue of *Richmond Law Review* as "Nonprofit Organizations, For-Profit Corporations, and the HHS Mandate: Why the Mandate Does Not Satisfy RFRA's Requirements" — was cited in an amicus brief submitted to the Supreme Court in the *Sebelius v. Hobby Lobby Stores, Inc.* case. The brief, submitted by Liberty University, argues against the ACA's contraceptive services mandate.

Tan is quick to point out that Liberty cited his article for a statistic he included from another source, not for any original legal analysis on his part. "Liberty could just as easily have cited the source from which I had received the information," he said. "My guess is that Liberty thought it would be more persuasive to use a law review article citation."

Still, there was something undeniably satisfying about seeing his name listed in the brief's Table of Authorities. "When I read through the first few pages of the brief, I was dumbfounded," he said. "It demonstrated that my article had contributed in a very small way to the discussion of the legal issues present in the challenges to the mandate."

# CHRISTIE MARRA IS NOT A CRUSADER

Long days? Sure.  
Long nights? Those, too.  
A never-ending, ever-expanding  
to-do list? Bring it on.  
But don't call Christie Marra's  
legal aid career a sacrifice.

By Caroline Kettlewell



**B**efore her first client, before her Richmond Law degree, before the externship, the undergraduate years at the University of Virginia, before even those routine high school lessons in history and government, the seeds for Christie Marra's future career in legal aid were planted at her family's dinner table. A child of teachers, Marra remembers her parents' thoughtful discussions of poverty and income inequality and the way these adversely affected children and their educations and opportunities.

"These conversations had more of an impact on my future than anything else," says Marra. "This is where my awareness of poverty issues came from initially."

Today, Marra, L'91, is a family law and housing law staff attorney with the Virginia Poverty Law Center in Richmond who has spent her entire 23-year legal career in determined pursuit of equal access to civil justice for Virginia's poor and low-income residents. And

this year, she is the recipient of the Virginia State Bar's Legal Aid Award, which recognizes Virginia's legal aid attorneys for "advocacy, quality of service, and impact beyond their service area."

If you imagine Marra, however, as a crusader, someone who sacrificed potentially less demanding and more lucrative career paths out of a noble commitment, she quickly scotches that misconception. Quite simply, she loves what she does. To her, it is the essence of what it means to practice law, to see how our legal system — when it works its best, when it works for everyone — can literally change lives.

"If you are going to work as a lawyer," she says, "this is as good as it gets."

Nevertheless, to work in poverty law is to battle day after day at the front lines of what "income inequality" really means. Poverty is a daily reality for tens of millions of Americans — men and women,





parents and children, the elderly, veterans, the disabled, the employed, homeowners — that remains largely invisible to the rest of the country. More than 46 million Americans fall below the federally designated poverty line: \$11,670 for an individual, \$23,850 for a family of four, numbers calculated according to a decades-old formula widely criticized for, among other shortcomings, failing to accurately reflect today's actual costs of living. Many more people live one small catastrophe — an injury, a car repair — from tumbling below that line as well.

The problems of poverty are complex and not amenable to sound-bite solutions, and a growing body of research is offering evidence that living in poverty is itself a hazard to mental and physical health, that being poor can put you at greater risk for disease, affect your cognitive abilities, limit your capacity for decision making, and even alter your physiology at the level of gene expression.

What poverty also does, at the level of policy making and in the courtroom, is make the poor de facto second-class citizens of our civil legal system. In the courtroom, if in theory justice is impartial, in practice money buys advantage. If in theory, based on income, more than 53 million Americans would qualify for legal aid services, in practice, studies show, barely 20 percent of the legal needs of the poor are met, because there are not enough legal aid or pro bono attorneys to provide those services.

"All of us learned in law school that our justice system is based upon the fact that both sides are represented — that is what leads to fairness and justice," says Jay Speer, executive director of the VPLC. "If there are no lawyers available for those who cannot afford them, then you don't have fairness and justice."

"With the civil justice system there are lots of rules, and if you are not a lawyer, you don't know those

rules,” says Marra. “And if the other side has an attorney, and you don’t have an attorney, then your ability to tell your story to the judge gets blocked.”

Or, as Justice Earl Johnson Jr. of the California Court of Appeals put it, “The poor have access to the American courts in the same sense that Christians had access to the lions when they were dragged, unarmed, into a Roman arena.”

The quote is offered by John Whitfield, executive director and general counsel at Blue Ridge Legal Services, the legal aid office that serves a swath of Virginia from Winchester to Roanoke. A colleague of Marra’s since she began her legal career, Whitfield says, “If we want everyone in our society, including the poor, to play by the rules and be good citizens, then the rules and the laws have to work for everyone, they have to protect everyone. If we say our society is going to be fair and equal under the law, then we have to make sure that everybody has that equality.”

And, as Marra notes, “A lot of people involved in the legislative process don’t really know low-income people.” Most lawmakers have never personally experienced poverty. They don’t live in poor neighborhoods. And, as is true for all of us, most of the people they know — friends, neighbors, fellow lawmakers, the people they attend religious services with and their kids go to school with — are probably a lot like them.

The particular issues that poor and low-income people face, therefore, may be at best unfamiliar to legislators. At worst, lawmakers may be as susceptible as anyone else to myths and negative stereotypes about poverty.

“I don’t think enough people realize how many barriers low-income people face day after day after day,” says Marra. She cites the example of one former client, a working mother of three. She had been abused as a teenager and suffered from mental health problems. She depended on public transportation and had a child with special health needs who needed to attend a feeding clinic. The family lived in public housing where, the mother told Marra, it was unsafe for her children to go outside. Still, she was attempting to complete online classes that could lead to a better job.

“We don’t have to think about these things,” says Marra. “We have cars and licenses. We can let our children go out and play.”

• • •

Poverty law wasn’t particularly in Marra’s plans in her undergraduate years studying literature at the University of Virginia. In fact, in the time-honored tradition of English majors everywhere, Marra wasn’t

sure what she wanted to do with her future. She contemplated a master’s degree in education before ending up at Richmond Law, where she still remained uncertain about her path. A Ph.D. in political science was in the running until, in her third year, at the suggestion of a friend, she undertook an externship with Central Virginia Legal Aid in Richmond. “You will fall in love with it,” predicted her friend.

“And he was right,” says Marra. She liked the staff and loved the work. During her externship, she was immediately working with clients, attending administrative unemployment compensation hearings (which do not require an attorney) before the Virginia Employment Commission.

“It gave me a taste of what clients were like, what being an attorney was like, what legal aid was like,” says Marra, and the experience set her on course. She applied only for legal aid positions, and, following graduation, ended up in the legal aid office in Castlewood, in far southwest Virginia.

For a young woman from Long Island, it was a radical transition to the rural Appalachia of coal-mining country, where trailers dot the hillsides and the town’s entire population would fill less than a third of the seats in Richmond’s Robins Center. Although the work was fulfilling, Marra returned to Richmond when a position opened in the legal aid office where she’d externed.

For the next 13 years, Marra worked at Central Virginia Legal Aid. “Most of that time I specialized in family law, mostly representing victims and survivors of domestic violence,” says Marra. In her final two years, she became increasingly involved with landlord-tenant law.

Over her years at Central Virginia Legal Aid, Marra had been encouraged more than once to apply as positions came open at the Virginia Poverty Law Center, which offers training, assistance and support to the state’s legal aid offices and pursues policy advocacy at the legislative level, but she hadn’t been ready to step back from her daily work with clients. After 13 years as a practicing legal aid attorney, however, and despite her love for the work, she’d grown frustrated by seeing her clients facing the same issues again and again.

“I became very discouraged by the fact that no matter how hard we tried, no matter how much we put in to certain cases, there were systemic barriers placed in front of our clients,” she says.

She joined the Virginia Poverty Law Center in 2004; after 10 years she seems, if anything, more passionate about her work than the day she arrived, famously tireless, ambitious, good humored and determined.



“Christie has charged into so many issues,” says Whitfield of Blue Ridge Legal Services. “It is amazing to me how many balls she keeps in the air as she has worked on changing so many things.”

And state senator Jill Holtzman Vogel (R-District 27) jokes that during the General Assembly, “I would think she slept on the third floor. That’s where my office is, and I see her there all the time. Late, late, late in the day Christie has found time to come by and meet with me.”

Marra’s strength? “Patience is everything,” she says.

Patience is what goes into building relationships with legislators who have come to rely upon her as a dependable and trustworthy expert. It goes into forming coalitions with stakeholders, even those who might not see eye-to-eye with her on every issue. And it goes into a willingness to persevere, sometimes year after year, in pursuit of the goals she sets.

On the wall by her office door is a whiteboard marked “2014 Goals,” with a list of six items below it, each written in a different color of ink. To an outsider, the language — “inclusionary zoning,” “kinship diversion,” “on-line NFD” — is elliptical and opaque. To Marra, each item represents, in some cases, the work of years.

Take the first one: “Make on-line NFD military friendly.” The NFD stands for “no-fault divorce,” but it’s the “on-line” piece that has been so long in the realizing that Marra puts its earliest incarnation at a vague “many years ago.” The idea was to make it possible for Virginians seeking a simple, uncontested, no-fault divorce, to complete much of the process online.

“There are lots of people who can’t afford to pay an attorney to get divorced from someone who, in some cases, they haven’t even seen in years,” says Marra. “And they’re stuck. It holds them up for everything from taxes and eligibilities for benefits to getting remarried. For survivors of domestic violence, it ties them to that person who abused them.”

On Marra’s first attempt to introduce the legislation, it “didn’t even make it out of subcommittee.” But through patient work and coalition-building, the bill finally passed in 2012. It’s still on the list, says Marra, because “we keep trying to add to it, to tweak it,” and this year’s goal is to make the program military-friendly.

And then there was the push to give victims of domestic violence, if they had a protective order or an order convicting their abuser, the right to terminate a lease early. That one stayed on the list for seven years until last year when it finally passed.

Marra is active in foster care issues, in landlord-tenant and affordable housing issues, and in domestic and family policy. She prepares thoroughly, using the months between legislative sessions to lay the groundwork for the frenetic weeks of the General Assembly.

“She is incredibly integrated into the legislative process,” says Vogel. “It is one thing to be present and to stand before committee and say this is our position, but Christie is really forward-moving and really integrated and very engaged at the beginning and all the way through.”

Adds Whitfield, “She is highly effective with the General Assembly because she has developed a strong rapport with legislators from both sides of the aisle so that they will listen to her, respect her, and respect that she has expertise and knowledge. If she is proposing something, they are going to consider it.”

**“I don’t think enough people realize how many barriers low-income people face day after day after day.”**

In the unlikely event she is ever at a loss for new items for her whiteboard, a shelf in her office holds some 30 spiral-bound notebooks, the kind familiar to everyone from their school days, which are filled with ideas, notes, names and contact information, details of meetings — a repository to which she can turn at any time for reminders of what yet needs to be done.

And what yet needs to be done is still plenty, the needs great. But after her more than two decades in poverty law, Marra seems undaunted, her datebook filled with a slate of more meetings, conversations, and coalitions to be formed.

“Once I started,” says Marra, “I knew I was in it for the long haul.” ■

*Caroline Kettlewell is a freelance writer in Richmond and author of the nonfiction book Electric Dreams, a story of long odds and underdogs.*



# VIRGINIANS AT RISK

Research for a short talk in 2012 on the commonwealth's chemical regulations led me to dig deeper into the risks Virginians face from toxic chemicals.

As I put the finishing touches on a full report two years later, a major chemical leak demonstrated the need for bolder regulation and gave the report a national audience.

BY NOAH SACHS

### **In January, 10,000 gallons of toxic chemicals**

leaked from a chemical storage tank on the banks of the Elk River near Charleston, W.Va. The tank was upstream from the principal drinking water intake for Charleston and surrounding communities, and the spill left 300,000 residents without drinking water for more than a week. Federal and state officials scrambled to contain the spill and identify the risks to the public, but there was almost no health or toxicity data available on the chemical, 4-methylcyclohexanemethanol, which is used to wash impurities from coal. It was one of the worst episodes of drinking water contamination in U.S. history.

At the time of the spill, I was on the verge of releasing a major report titled “A Strategy to Protect Virginians from Toxic Chemicals” ([law.richmond.edu/toxins](http://law.richmond.edu/toxins)), which I co-authored with third-year student Ryan Murphy. Ryan and I had been working on the report — the first of its kind in Virginia — for almost a year. In the wake of the Elk River spill, we moved up the release date to highlight risks from toxic chemical storage and releases in the commonwealth. Due to the Elk River spill and a series of other accidents involving toxic chemicals in early 2014, our report became national news and had an impact beyond what I could have imagined.

My interest in the dangers of toxic chemicals in Virginia began a few years ago, as a new faculty member at UR. I quickly realized that Virginia had many facilities that released toxic chemicals into the environment, but in comparison to other states, Virginia’s regulatory program was less extensive. Early in my career, I had written articles on federal toxic chemical regulation, and in 2011, I co-authored a law school textbook on that subject.

As with many of my ideas for scholarship, the idea for writing a comprehensive report focusing on Virginia began with a speech. I gave a short talk on Virginia chemical regulation at a 2012 conference, and I realized there was much more to say about the subject. Virginia law needed reform. I was convinced that citizens were being put at risk, and there was easily enough information for a full report.

### **TOXIC CHEMICAL POLLUTION IN THE COMMONWEALTH**

In the spring of 2013, Ryan Murphy and I began our research by documenting releases and potential exposures to toxic chemicals in the commonwealth. What we found was surprising. For example, more than two million Virginians — about a quarter of the popula-

tion — live in communities that fail at least one federal health-based standard for air pollution. Toxic contamination of fish remains so high that the Department of Health maintains fish consumption advisories for most of the major waterways in Virginia. And we found that children are especially at risk. According to one study, there are more than 60 schools in the commonwealth that are among the top five percent of schools nationwide in terms of exposure to toxic air pollution.

In our research, we found there is no one-stop source of information on toxic chemicals in the commonwealth. We had to dig through multiple reports and studies to make sense of the information. Even when federal law requires that information about toxic chemicals be made public, the information is rarely released in a user-friendly format.

Soon we compiled a picture that showed where toxic chemicals come from and where they go in the commonwealth. Consider these findings from the report:

- In 2012, industries in Virginia discharged 18.4 million pounds of toxic chemicals into the air, 11.7 million pounds into water, and 2.5 million pounds into land. These discharges are much lower than the discharges in the 1990s, but they are still significant and are higher than 27 other states.
- A 2010 study by the Clean Air Task Force estimated that emissions of fine sooty particles from coal-fired power plants cause 647 premature deaths, 477 hospital admissions, and 896 non-fatal heart attacks annually in Virginia.
- Virginia’s waterways are the fifth worst in the nation, measured by the amount of toxic chemicals discharged into them.
- Virginia’s electric utilities generate about 2.4 million tons of toxic coal ash annually. Most of this ash is disposed next to Virginia waterways, and the U.S. Environmental Protection Agency (EPA) has listed eight coal ash disposal sites in the commonwealth as “significant hazards.” Failure of these decades-old sites to contain the ash would result in extensive environmental and economic damage.
- There are 277 different facilities in the commonwealth that are legally permitted to discharge one or more toxic chemicals into Virginia’s waters.
- Unlike neighboring states, Virginia has no comprehensive program to prioritize and clean up contaminated waste sites that fall outside federal jurisdiction.



# Risks in Virginia

IN 2012, INDUSTRIES DISCHARGED

**18.4 million lbs.**  
of toxic chemicals  
into the **AIR**

**2.5 million lbs.**  
of toxic chemicals  
into the **LAND**

**11.7 million lbs.**  
of toxic chemicals  
into the **WATER**

Electric utilities generate  
about **2.4 million tons** of  
toxic **coal ash** annually.

**X8**

The EPA has listed **eight**  
coal ash disposal sites as  
“significant hazards.”

**X277**

There are **277** facilities that  
are legally permitted to  
discharge toxic chemicals  
into the state’s waters.

Most **coal ash** is disposed  
of **next to waterways**.

## Where are the regulation gaps?

### COAL ASH

CONTAINS:  
**chromium,  
other metals,  
arsenic**

Stored right next to  
waterways, it is only loosely  
regulated at the federal and  
state level, and there are  
infrequent inspections.

FOUND IN:  
**consumer  
products,  
baby products,  
and food  
packaging**

Essentially no regulation of toxic  
chemicals in these products,  
even as other states have begun  
to address these exposures.

### TOXICS IN THE HOME

### VEHICLE EMISSIONS

Individual cars are  
subject to air pollution controls  
under federal law.

**BUT**

Areas with dense traffic, such as Northern  
Virginia and Hampton Roads, still violate  
federal health-based air quality standards.

## THE NEED TO REFORM TOXIC CHEMICAL LAWS

As a teacher of environmental law, I wanted to know why these kinds of risks to the public are tolerated in Virginia, a state that envisions itself as a relatively pristine and primarily agricultural state. I wanted to know what legal reforms in the commonwealth and at the federal level are needed to reduce those risks. And I wanted to identify the lessons for law students and lawyers regarding how law actually operates on the ground.

Ryan and I found that the vast majority of the toxic pollution in Virginia is not illegal. We might like to imagine that the problem results from bad-actor polluters or from illegal midnight dumping of waste. The fixes, such as more enforcement, would then be easy to envision. But it is clear that the vast majority of toxic

pollution comes from large industrial facilities that are legally permitted by the state and federal government to discharge toxic chemicals into the environment — even chemicals that are known to cause cancer.

Toxic pollution is both legal and tolerated because most federal and state environmental statutes are based on a “do the best you can” system. Under the statutes, companies are typically permitted to discharge the level of pollution that results from installing the best available control technology (BACT) for pollution.

For an individual company, installing BACT can result in major pollution reductions, often 80 percent or more. But federal and state law rarely address how many plants can locate in a given region or the output of each plant. Imagine 20 plants emitting severely haz-



Annually, emissions of fine sooty particles from coal-fired power plants cause an estimated:



Waterways are the 5<sup>th</sup> worst in the nation measured by the amount of toxic chemicals discharged into them.

The graphic shows a blue river flowing through a landscape, with a text box stating that waterways are the 5th worst in the nation based on toxic chemical discharges.

#### OUT-OF-STATE AIR POLLUTION

Virginia is downwind from several industrial states. In the last decade, federal courts struck down plans by the EPA to require emissions reductions at upwind plants.

The map shows Virginia in green, with arrows pointing from industrial states (shaded in brown) to the east, indicating that Virginia is downwind of their emissions.

ardous air pollutants in a small geographic area such as Hopewell or Norfolk. Although each plant may have installed BACT and may be complying with federal and state law, the community is still exposed to a brew of harmful emissions in the aggregate.

The same situation applies to water pollution: even legally permitted discharges can be harmful. A single facility, the Radford Ammunition Plant, which is operated by BAE Systems to manufacture explosives for the U.S. Army, accounts for more than half of the toxic releases into Virginia waterways. The plant is obligated by the Clean Water Act to install control technology for its wastes, but because of the sheer volume of production at that plant, it still discharges more than 7 million pounds of toxic chemicals into the New

River each year. Similarly, poultry processing plants on Virginia's eastern shore, while complying with their permits, still discharge millions of pounds of waste into the Chesapeake Bay watershed.

Ryan and I identified many other gaps in federal and state law that lead to widespread toxic pollution. The gaps include:

- **Coal ash.** The ash produced by burning coal for electricity contains a toxic mixture of chromium, other metals, and arsenic, and it is stored right next to waterways in Virginia. But coal ash is only loosely regulated at the federal and state level, and there are infrequent inspections.
- **Toxics in the home.** There is essentially no Virginia regulation of toxic chemicals in consumer products, baby products, and food packaging, even as other states have begun to address these exposures. Increasingly, scientific evidence suggests that toxics in common products are having harmful effects on human development and reproduction.
- **Vehicle emissions.** Like industrial plants, individual cars are subject to air pollution controls under federal law. Yet, vehicle emissions are one of the main reasons why areas with dense traffic, such as Northern Virginia and Hampton Roads, still violate federal health-based air quality standards.
- **Out-of-state air pollution.** Virginia is downwind from industrial states such as West Virginia, Indiana, and Ohio. In the last decade, federal courts struck down various plans by the Environmental Protection Agency to require emissions reductions at these upwind industrial plants. The situation is now changing, however, due to a May 2014 Supreme Court decision that upheld the EPA's latest program to address cross-state pollution.

Ryan and I devoted the second half of our report to recommendations and solutions. We recommended that the commonwealth, in the absence of federal government action, take the lead to make sure that citizens are protected. We advocated more funding and personnel for the Department of Environmental Quality so that it can oversee an expanded, protective toxic chemical program. We advocated that the General Assembly enact new legislation that would force responsible parties to clean up contaminated sites not addressed under the federal Superfund program, and we pointed out ways to close loopholes in coal ash regulation, including regulating coal ash as hazardous



Nitro, W.Va., near the Elk River, March 2012

waste (an idea under consideration at the federal level as well). We also called on the General Assembly to enact a comprehensive program to reduce exposures to toxic chemicals from products such as children's toys, food packaging, furniture, and construction material.

### THE RELEASE OF THE REPORT

Ryan and I planned to release the report to the public in late January 2014. But the Elk River spill in West Virginia led us to change our plans.

On the morning of Jan. 9, 2014, residents of Charleston first suspected a spill when they noticed a strange smell in the air. After state investigators arrived on the scene and confirmed that chemicals from a storage tank were entering the Elk River, Gov. Earl Ray Tomblin declared a state of emergency, and the water utility, West Virginia American Water, advised all of its customers not to drink or bathe in their tap water. With no drinkable water, hotels and businesses throughout Charleston closed for about a week, and the state legislature cancelled one of its sessions. Facing criminal investigations and dozens of civil suits, the owner of the chemical storage tanks, Freedom Industries, filed for bankruptcy a week after the spill.

With the news of the West Virginia spill on the front pages, we decided to move up the release date of our report, and we sent electronic versions to the

media on Jan. 14. There was intense media interest in our study, and reporters from all over the country contacted me to comment on the West Virginia spill and discuss the regulation of chemicals in Virginia. Stories about our report ran in major Virginia newspapers, as well as *The Washington Post* and *USA Today*.

I was concerned about whether an accident similar to the Elk River spill could happen in Virginia, and I concluded that the answer is yes. Reviewing our data, I was able to locate dozens of examples of highly toxic chemicals being stored near rivers in Virginia. For example, at the headwaters of the James River in Covington, MeadWestvaco operates a major chemical storage site. In 2012, the company reported that it stored more than 1 million pounds of sulfuric acid, fuel oil, and toxic sodium chlorate. That same year, Invista, Inc. reported that it stored more than 1 million pounds of the toxic and highly flammable isopropyl acetate at its spandex manufacturing plant on the South River in Waynesboro. While there is no evidence that these facilities are contaminating the water, the West Virginia spill raises the question of why we allow such large amounts of toxic chemicals to be stored right next to our rivers.

I was also concerned about the threat to rivers from coal ash disposal sites in Virginia. Dominion Resources and other electricity producers store their coal ash in unlined pits near major rivers. In many cases, earthen

berms are the only barriers that separate the toxic coal ash from the river. Most of Virginia's coal ash disposal sites are more than 40 years old, and the EPA has labeled eight of the sites as "significant hazards."

Just two weeks after the release of the report, there was a major coal ash spill that affected Virginia — though the spill itself originated in North Carolina. On Feb. 2, 2014, employees of Duke Energy noticed that toxic coal ash was leaking from a storage pond at Duke's Dan River power plant near Eden, N.C. Before they could slow the leak, more than 82,000 tons of coal ash were released into the Dan River. Within a few hours, the coal ash migrated downriver and crossed the Virginia border, threatening the drinking water supply for Danville. Luckily, the ash did not harm Danville's drinking water, but the cleanup of the spill, which extends 70 miles downriver, is still continuing in both North Carolina and Virginia.

Three months later, there was another major accident. On April 30, a CSX train carrying crude oil from North Dakota derailed in downtown Lynchburg, Va. Three tanker cars fell in a fiery crash into the James River, prompting the evacuation of the central business district. At least one of the tanker cars spilled its cargo of oil into the James. The CSX accident highlights the risks from transporting oil and chemicals through the commonwealth, including leaks and explosions. Responding to questions about whether the federal government can do more to prevent these spills from railcars, U.S. Department of Transportation Secretary Anthony Foxx said, "We have a million shipments of hazardous materials moving around this country every day, and we have 50 inspectors."

All of these recent accidents highlight the vulnerability of citizens to hazardous chemicals, and Virginia's responsibility to take action. Protecting citizens from public health risks is one of the core responsibilities of state government, and the commonwealth has not devoted adequate resources to this issue. The Virginia Constitution states that it is the "Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth." To make that policy a reality, the

General Assembly, the governor, and the Department of Environmental Quality should implement the recommendations of our report.

### THE UNIVERSITY IN THE COMMUNITY

Teaching law is a wonderful job with incredible opportunities to make a difference. Our faculty members are involved in a wide range of community service activities, including pro bono cases, service on boards and commissions, and research that highlights the need for

**The vast majority of toxic pollution comes from large industrial facilities that are legally permitted by the state and federal government to discharge toxic chemicals to the environment — even chemicals that are known to cause cancer.**

legal reform. Personally, I don't want this report to sit on a shelf. I am now reaching out to members of the General Assembly and officials in the executive branch to discuss how to implement the recommendations in the report.

I hope my work on toxic chemical regulation will benefit my teaching and my students. It was wonderful to partner with Ryan, who worked tirelessly to master a very complex area of environmental law in a short amount of time, and we had many long conversations about recommendations for reform. In April, Ryan presented our major findings at the annual Environment Virginia Symposium in Lexington, which draws policymakers, lawyers, and engineers from throughout the commonwealth. It was an excellent opportunity for a third-year student to present work outside the law school, to interact with the greater legal and policymaking community, and to hear from people on the ground.

When I teach my class in environmental law, I can use the report as an example of the importance of getting out of the classroom (or the office) to learn how laws are implemented. Every lawyer knows it can take weeks or months to understand a complex statutory scheme, but that's just the beginning of what we need to know in order to be effective. Understanding the gaps in the law — what's not there — is just as important. ■

*Noah Sachs is a professor at the School of Law and director of the Robert R. Merhige Jr. Center for Environmental Studies.*







# Six Months In

Surviving a close election was just the start for Mark Herring, L'90. Now he's got tough choices as Virginia's attorney general.

By Paul Brockwell Jr.

When Mark Herring returned to deliver the commencement address at Richmond Law last May — exactly 24 years since he was the student speaker at his own graduation — he likened his first few months in office to a childhood experience with an old quarter horse named Sundance. The horse spooked easily and would take off into a dead run, head down and barreling forward. “You’re faced with a choice,” Herring explained in his clear, booming baritone voice. “Do you jump off and hope the fall’s not going to hurt you, or do you grab on and ride?”

So far, Herring has done the latter.

It took well into December, less than a month before his inauguration, to confirm he had indeed been elected. Initial counts had Herring in the lead by 165 votes, triggering an automatic statewide recount that left everyone wondering who would take office while both candidates set up transition and legal teams. Since being inaugurated as the state’s 48th attorney general, he’s made headlines in Virginia and around the country by articulating the commonwealth’s position on some of the most contentious legal and constitutional issues currently faced by the state.

Herring knew before he was inaugurated he would be faced with one of the most controversial issues percolating through state and federal courts across the country. In the summer of 2013, while he was in the thick of campaigning, Timothy Bostic and Tony London filed a federal lawsuit against Virginia’s constitutional ban on same-sex marriage. By the time the State Board of Elections validated Herring’s election in December, the U.S. District Court in Norfolk had already scheduled the Bostic case oral arguments for late January.

“One of my first decisions was to bring on my solicitor general, Stuart Raphael,” Herring said. “And knowing we would need to make a decision promptly, I charged him with leading a team to examine the law and come back to me with the best analysis to guide my decision about whether the marriage ban was

unconstitutional and what position I should take on the state’s behalf.”

Less than two weeks after taking office, Herring’s position stole headlines around the country:

“I cannot and will not defend laws that violate Virginians’ rights,” Herring said announcing his decision. “The commonwealth will be siding with the plaintiffs in this case and with every other Virginia couple whose right to marry is being denied.”

Reaction to that decision — and to others during his first few months — has been swift and strident. By late spring, one conservative state delegate was calling for his impeachment. While such calls are unlikely to lead anywhere, plenty of Herring’s critics would still accuse him of doing the very thing he campaigned on not doing: politicizing the office.

The Virginia Constitution is mostly mum on the office’s duties. It only requires the elected attorney general to have the same qualifications as a judge for a court of record and leaves defining the office’s duties to the Virginia Code. The constitution that preceded Virginia’s current one established the office of attorney general under the judicial article, and in recent years, attorneys general have taken a broader view of their public duty as interpreters of state law and policy.

“I would underscore the quasi-judicial nature of the office,” said A.E. Dick Howard, a 1954 alumnus of Richmond College and the architect of Virginia’s modern constitution. “He is not only entitled to, but I think under some constitutional obligation to, use his own judgment.

“The day-to-day work of the attorney general is largely unexceptional. I think it’s true that the office is more in the public eye than it used to be, but that’s partly because there are more constitutional issues that are intensely controversial — those are the issues that skew understanding of what the attorney general does.”

Howard believes that, although an attorney general on occasion makes a decision with controversial or

political overtones, people should not assume he or she is a politician first. While decisions on same-sex marriage or state expansion of Medicaid get a lot of press and public attention, those exceptions, Howard said, should not lead the public to think the office has been unduly politicized.

“I think the job of attorney general — for anyone that cares about law and public policy — is a great job to have,” Howard said. “Being invited, being sometimes compelled, to be part of the public dialogue about great issues of the moment is very stimulating.”

Herring couldn’t agree more. He believes that is one of the reasons why it is so important for the people to elect the attorney general rather than let the governor appoint the office. And despite being criticized personally, Herring has no reservations about the work.

“I absolutely love the job,” Herring says. “I love the law, I love public policy, and I love helping people. And I get to do that every moment I’m awake.”

• • •

Before running for attorney general, Herring was relatively unknown outside of his home, Loudoun County. He spent eight years in the senate representing parts of Loudoun and Fairfax counties, but to better understand Herring is really to go back to where he grew up, built his law practice, started a family, and began his career in public service on the county board of supervisors.

The Loudoun County where Herring grew up was a different place than the one people picture now. Dairy farms and old battlefields dominated the county until the capital’s second airport was plopped down into a cow pasture. Herring was born a year before President Kennedy dedicated Dulles International Airport in 1962, and during his childhood he saw the beginning of a breakneck transformation from a sleepy, agrarian exurb into one of the country’s fastest-growing suburban areas. Today it’s virtually an extension of Washington, D.C.

“Raising chickens was my first entrepreneurial venture,” Herring said. Back then most of his classmates lived on farms, and a lot of them raised steers or calves through 4-H. Herring chose to tend a flock of three dozen hens. And he would hike up and down the gravel roads to sell their eggs to his neighbors.

His family experienced its ups and downs. Herring’s parents divorced when he was young and at a time when single-parent households were far from common. His first job out of high school was doing construction. (He admits, with some pride, that he worked his way up to running a jackhammer.)

In many ways, Herring personifies Loudoun’s transformation and hopes to be the very model of a modern attorney general, someone who can recognize the commonwealth’s emerging challenges and meet them with legal solutions that protect the state and its citizens. The threats are familiar ones — even stopping to shop on the way home from work now carries the risk of identity theft. But Herring wants to do more than just anticipate how technology poses new and greater threats. He also wants to effectively leverage it as a tool for the efficiency of the office. He is starting the wonkish task of modernizing the office’s internal operations into the 21st century. And he knows that his office has to continue adapting. As he sees it, it’s all about survival in an innovation-based economy.

But modernity isn’t just about technology for him.

“We’ve got to be the kind of place that is opening and welcome to all,” Herring said. “And that means showing America and the world that in some of these landmark civil rights cases, that that’s the kind of commonwealth we are.”

• • •

Herring cringes when re-reading the graduation speech he gave as a law student. But most of what he said still holds, even if the grandson of a Bible Belt Presbyterian preacher wishes it hadn’t been so “preachy.”

Back then, he told his fellow graduates they should work hard to take the knowledge learned and experiences in our professional lives and apply them in ways that help others. He wanted his classmates to be less concerned with billable hours and to focus instead on finding fulfilling work and striking the right balance between work and professional lives.

That speech is an early sign of how serious Herring is when he talks about helping people. It comes partly from his mother — who drilled into him the idea that if he sees a problem out there, he has a responsibility to fix it. Part of that drive also comes from his faith, which is important to him and his family, and calls him to serve others.

Twenty-four years later, his commencement speech still talked about applying the knowledge learned in the context of your individual values and the lasting rewards of a career lying beyond the billable hour. But it also included traces of his own transformation on the path to a job he calls the greatest in his life, a journey that started on campus.

“There will always be a fond place in my heart for Richmond,” Herring said. “Richmond believed in me.” ■

# FACULTY BRIEFS

Faculty achievements, publications, and appearances



**Margaret Bacigal** was featured in the article “Serving Virginia’s Children” in *VBA Journal* in connection with her



role as chair of the Virginia Bar Association Commission on the Needs of Children.

The commission recently launched ProsForKids.org, a website to assist doctors, other care providers, and lawyers assisting families seeking special education services for their children. “Much of what we do is legislative advocacy, but we wanted to expand our outreach efforts to help children obtain necessary services to succeed in school,” she told *VBA Journal*. She and **Ron Bacigal** co-authored a new edition of *Virginia Practice: Jury Instructions*.

“The court is not sure when they were telling the truth or when



they said the lie,” **Ron Bacigal** told *Daily Press* (Newport News, Va.) in an article about

victim recantations. “Courts are pretty skeptical about this stuff.”

**Tara Casey** chaired the Awards Committee of the AALS Section on Pro Bono and Public Service Opportunities and facilitated a small group discussion at the AALS meeting. She also moderated an on-campus screening and discus-

sion of *12th and Delaware*, an HBO documentary about the abortion debate in the United States. The Carrico Center for Pro Bono Service, which she directs, was invited to participate in the inauguration parade for Virginia’s incoming governor, Terry McAuliffe.



**Dale Cecka’s** co-authored article, “Traumatic Brain Injury and the

Americans with Disabilities Act: Implications for the Social Work Profession,” is forthcoming in *Social Work*, the premier journal in the field of social work.

**Henry Chambers** was quoted in an investigative article published by the Center for Public Integrity called “State Supreme Court Judges Reveal Scant Financial Information.” Commenting on an extrava-



gant gift from an attorney to an Arkansas judge, he said, “I just can’t imagine that there are very many legal cultures around the country where that would be viewed as anything but crazy, horrible judgment. You shouldn’t have to have a rule on something like that.”

**Tim Coggins’** article “Discovering E-Discovery: A Resources Guide” was published in *Virginia Lawyer* magazine’s special “Law Libraries”

issue. The article identifies “resources that attorneys and those who work with them can use to gain a better understanding of e-discovery and its application in both federal and state courts,” he wrote.

**Suzanne Corriell** and **Tara Casey** presented on their course Public Policy Research & Drafting at Bringing Outside In: Social Justice Collaborations in the Legal Writing Curriculum conference at Drexel University’s School of Law in June.

**Chris Cotropia** co-authored the paper “Patent Assertion Entities Under the Microscope: An Empirical Investigation of Patent Holders as Litigants,” which was among the Social Science Research Network’s top-10 downloads for all legal scholarship postings for at least two weeks. The article joins debates about patent assertion entities, sometimes called “patent trolls,” by analyzing more than 7,500 patent holder litigants from 2010–12. “Recent outcries about adverse impacts of PAEs and calls for urgently needed patent system reforms seem exaggerated,” the authors conclude.



“The Smart Grid may prove to be as transformative as the Internet, redefining

every aspect of electricity generation, distribution, and use,” **Joel Eisen** wrote in an opinion piece

for RegBlog.org about the smart grid, the proposed transformation of America's aging electric grid using digital technologies. He also became an adviser to the French National Research Agency on the development of its 2014 research agenda.



Emory  
Bankruptcy  
Developments  
Journal hon-  
ored **David  
Epstein** with

its Distinguished Service Award for Lifetime Achievement, calling him "a renowned scholar in bankruptcy law."

**Jessica Erickson** was quoted by *The Wall Street Journal* in an article about the rise in securities lawsuits and the proliferation of objections to mergers filed in state courts. "You're seeing many of the same tactics shifting over to the state courts," she said.

**Jim Gibson** offered an analysis of the legality of streaming sites in an April article published by BusinessInsider.com called "How Sketchy Streaming Sites Really Work — And Why Some Are Legal." While accessing unlicensed streaming content can sometimes be legal, uploading or posting unlicensed streaming content is always illegal, he said. "That's the most basic part of copyright — protection of your work. When someone uploads a video online, they're literally making a copy," he said.

**Meredith Harbach** presented her article on childcare market failure at the Legal Scholarship 4.0 Conference at Northeastern University in March.

"This case has the potential to overturn the labor relations system that has prevailed in this country for almost 80 years," **Ann Hodges** wrote, recapping oral arguments in *Harris v. Quinn*, which the Supreme Court heard in January. Her analysis appeared on the blog of the American Constitution Society (<http://www.acslaw.org>).

**Joyce Manna Janto's** article, "Solving Your Ethical Conundrums: Researching the Rules of



Professional Conduct," was published in *Virginia Lawyer* magazine in December.

"My students think the [ethical] rules are a self-explanatory set of guidelines for their behavior, like the Ten Commandments," she wrote. "They are surprised when I point out the need to research the rules to clarify" their meaning.

**Corinna Barrett Lain** and **Jim Gibson** co-wrote an op-ed published by *The Guardian* in the days following the botched lethal injection of Oklahoma inmate Clayton Lockett. Their May 5th article,



headlined "Europe Taught America How to End the Death Penalty. Now Maybe It Finally Will," focused on the role of European anti-death penalty activists in preventing the export of drugs used for lethal injections to the United States. "A perfect storm is now swirling around capital punishment in America," they wrote, "and it is a storm that Europe has had a strong

hand in creating." Lain's article "God, Civic Virtue, & the American Way: Reconstructing Engel" is forthcoming in *Stanford Law Review*.

**Valerie L'Herrou** is a writer in residence for MsJD ([ms-jd.org](http://ms-jd.org)), a nonprofit, nonpartisan organiza-



tion dedicated to the success of aspiring and early career women lawyers. In an April post, she ana-

lyzed "pink-collar ghettos," or "the clustering of women in low-income, public interest" areas of practice.

**Kristen Osenga** participated in the Center for the Protection of Intellectual Property's research symposium in June at George Mason University School of Law. She presented at Elon University School of Law's faculty colloquy in April and did a press call for the Federalist Society preceding oral arguments in two patent cases at the Supreme Court this spring, *Highmark Inc. v. Allcare Management Systems* and *Octane Fitness v. Icon Health & Fitness*.

**Noah Sachs** was quoted widely after a leaking storage tank contaminated the drinking water of



much of West Virginia in January. Media outlets including *USA Today*, NPR, and *The Oregonian*

sought his analysis of the legal implications of the spill. "We are exposed to a constant barrage of chemicals, both from air pollution and water pollution," he told *The Washington Post*.



**Andrew Spalding** published a four-part series, “Beyond Deterrence,” about “the theory of criminal punishment that underlies modern anti-bribery enforcement” on the FCPA Blog in March.



Reuters quoted him in a story about a federal investigation of Wal-Mart executives facing bribery allegations. “Given the breadth of the investigation, this case could just be of staggering proportions,” he said.

**Peter Swisher’s** article “Why Won’t My Homeowners Insurance Cover My Loss? Reassessing Property



Insurance Concurrent Causation Coverage Disputes” was published by *Tulane Law*

*Review*. He revised *Virginia Family Law: Theory, Practice, and Forms* with co-authors Lawrence D. Diehl and James R. Cottrell for the book’s 2014 edition.

**Mary Tate** published “In Defense of Wendy Davis’ Political Biography,” an op-ed in the *Richmond Times-Dispatch*.



“When we hold non-traditional candidates’ personal backgrounds to a vetting process

that is different in tone and intensity, aren’t we really attempting to delegitimize their participation?” she wrote.

**Carl Tobias** was quoted in multiple news outlets, including *The New York Times*, *Los Angeles Times*, *The Wall Street Journal*, *The Financial Times*, *USA Today*, *The Legal Intelligencer*, *The Dallas Morning News*, *Des Moines Register*, NPR, Bloomberg News, and CNN. He was quoted on a variety of topics, particularly judicial appointments, same-sex marriage cases, and legal difficulties faced by General Motors in connection with alleged defects in ignition systems.

**Kevin Walsh** was quoted in *The Washington Times* and Yahoo! Good Morning about Obamacare; spoke on KNEB regarding a Supreme Court abortion protest case; and appeared on Richmond’s NBC12 regarding the decision by Attorney General Mark Herring, L’go, not to defend Virginia’s constitutional amendment on banning same-sex marriage. “You had the state of Virginia saying they changed their minds,” he told the station.

**Gail Zwirner** selected and worked with authors for *Virginia Lawyer* magazine’s special “Law Libraries” issue in



December 2013. She authored two articles in the issue, “Law Libraries and Options

Galore” and “Virginia CLE Sources: Important Practitioner Tools for Forty Years.”

## FACULTY PROFILE

# Economic intangibles

## Chris Cotropia



Christopher A. Cotropia turned his curiosity about technology and engineering and their impact on economics and culture into an enterprising role in the Law School’s Intellectual Property Institute. He teaches and conducts research in dynamic areas of the law including intellectual property, patent law and policy, copyright and computer law. It’s an exciting place to be.

“More and more, people are coming to work and play in this space, which means the law has to figure out what to do with the new technologies and their development,” Cotropia says. “In the United States and around the world, ideas and innovations, what I call the ‘intangibles economy,’ have become very important. We really have to stay on top of the technology and underlying businesses.”

Cotropia earned a B.S. in computer and electrical engineering from Northwestern University. He took a job with Texas Instruments but found life at the big firm to be unsatisfying.

“There wasn’t the excitement of entrepreneurship that you have now,” Cotropia says. “I did enjoy learning about technology and I knew patent law was an area where you could stay plugged in, so I decided to go to law school.”

He earned his J.D. from the University of Texas School of Law in 1999 and joined the Law School faculty in 2006. One of three full-time faculty in the flourishing IP Institute, he will take over as its director this fall.

Cotropia’s scholarship has attracted attention. One recent blog post, “Patent Assertion Entities Under the Microscope: An Empirical Investigation of Patent Holders as Litigants” (with Jay Kesan and David Schwartz), has been cited by two former directors of the U.S. Patent and Trademark Office in testimony before congressional committees.

On campus, “We see more of our students pursuing” IP studies, he says. “They see it in the popular press. They are consumers. It’s an exciting place to be.”

The introductory class is particularly popular.

“Almost all of our students see the need for some understanding of the field because they know that somewhere in their career they are likely to face an issue involving intellectual property.”

—Rob Walker



## 3L argues before Virginia Court of Appeals

In January, **Kathleen Dwyer, L'14**, stood before the Virginia Court of Appeals and delivered an oral argument on behalf of her client, a Richmond woman convicted of robbery and first-degree murder who is serving a 35-year prison sentence.

"It was nerve-wracking," Dwyer said. "They teach you to take a moment and breathe before you begin. You're just so anxious beforehand, but you walk up to that podium and take a breath and go at it."

Dwyer, armed with a third-year practice certificate, represented her client through the School of Law's Pro Bono Criminal Appeals Program. The case involved an aspect of Virginia law that holds aiders and abettors criminally liable for the same crimes as the principal committing murder. Although Dwyer's client wasn't involved in any acts of violence, she was convicted of murder because of her participation in the robbery with her estranged son, even though he, undisputedly, was the person who killed two victims.

"The Commonwealth argued she was criminally liable for the probable and incidental consequence of the robbery," Dwyer explained. She focused her argument on the denial of jury instructions regarding the intent to steal. The entire case, Dwyer argued, hinged on the precise legal definition of intent to steal and the trial was unfair without jury instructions on it.



After the court denied the initial appeal, Dwyer and her mentor — Cullen Seltzer of Sands Anderson — requested an oral argument before a writ panel. Dwyer, meanwhile, continued working with Seltzer to write the briefs and prepare to argue her case.

Dwyer's skills at oral arguments impressed Seltzer, the judges of the court, and many others. Although the panel affirmed the lower court ruling, Dwyer's argument received compliments from the judges involved. She also received the Virginia State Bar's Oliver White Hill Law Student Pro Bono Award, which recognizes a law student's commitment to uncompensated or minimally compensated pro bono efforts.

"Dwyer's work on behalf of an unpopular indigent accused of the most serious crimes is consistent with the highest ideals of the bar and our profession," wrote Seltzer in his nomination. "I hesitate to guess the amount of time she has given to this, but I would expect that hundreds of hours would be no exaggeration. Judges on the court's writ and merits panels were complimentary of her work and expressed the hope that she would continue that sort of work before that court in the future. I hope so, too."

As for the case, Dwyer and Seltzer have appealed to the Virginia Supreme Court and are awaiting word on next steps.

## Outstanding students recognized

Graduates received a number of awards during the 2014 commencement exercises, including:

- **Ian Vance**, the Public Interest Law Association Pro Bono Award for extraordinary commitment to public interest work
- **Ashley Peterson**, the Charles T. Norman Award, given by the faculty to the best all-around graduate
- **Stephen Forester** and **Kevin Perry**, the Orrell-Brown Award for Clinical Excellence
- **Jonathan Tan**, the J. Westwood Smithers Medal for achieving the highest graduating grade point average
- **Kathleen Dwyer**, the Nina R. Kestin Service Award, to the student who has contributed most significantly to the school, community, and legal profession.

## Not your typical spring break

Teaching children about the law might seem like an uphill battle, but it's one that some Richmond Law students took on during spring break with the help of celebrity slide shows, skits, and mock trial hearings.

This year the Carrico Center for Pro Bono Service launched a new Street Law program. It's one of three alternative spring break programs that ranged in focus from providing will planning for low-income seniors, restoration of rights applications for convicted felons, and educational outreach to youth about our system of laws. In total, 17 students participated in all three programs this year.

For Street Law, three volunteer teams developed and taught interactive lessons on civics and the rule of law to after-school programs at the FRIENDS Association, Peter Paul Development Center, and United Methodist Family Services.

The UMFS Street Law curriculum incorporated references to pop culture to keep high schoolers engaged in the material. "We had a slide show on civic responsibilities with movie stars," said Cassie Powell, L'16. "That was something they responded to really well." The UMFS team also led group discussions about civic engagement.

At the Peter Paul Development Center in Richmond's East End, another team worked with younger kids on creating their own laws and demonstrating what they learned about the trial process by acting out mock trials.

The result? Well, both fun and inspiring. "Seeing the children in this setting lends credence to what I'm doing and why I'm doing it," said Ian Vance, L'14. "I want to see them succeed, so this helps me to keep that goal in mind."

The center plans to expand the program this fall with law students leading monthly programs for children at partner sites.



### GOING TO BAT FOR KIDS

In April, Richmond Law fielded two teams at the Virginia Law Softball Tournament. It was the first time in 15 years that UR sent a team to play, and both our red and blue teams made it to the playoffs. What's most important, though, is that the tournament raised \$25,000 to support the nonprofit Children, Youth, and Family Services Inc. in Charlottesville, Va.





**Oyez! Marla Graff Decker, L'83, offers brief remarks after her Court of Appeals investiture in April.**

## Spiders everywhere

When former Gov. Bob McDonnell appointed Marla Graff Decker, L'83, to the Virginia Court of Appeals last fall, her judgeship was far from final. In fact, her term would have quickly expired if the General Assembly had not elected her to a full term of eight years.

"There was a little bit of nail-biting," Decker said. "But everything turned out great."

At her investiture on April 25, the courtroom was crawling with Spiders. Four of the 11 judges are alumni, and Decker filled a vacancy created by retiring judge Larry Elder, L'75. Chief Judge Walter Felton, L'69, presided over the ceremony and was joined on the bench by Theresa Chafin, L'87, and Stephen McCullough, L'97.

Decker's old moot court

partner, Richard Wallerstein, L'83, delivered brief remarks. Wallerstein is a circuit court judge in Henrico County, Va. Patricia Harrington, L'83, offered the benediction and won't be too far from her law dorm roommate — the two now work in the same building, where Harrington is clerk of the Supreme Court of Virginia.

For Decker, the move was a big shift but a trip home to her legal roots. She was most recently the state's secretary of public safety and before that spent most of her career at the attorney general's office, where she began after law school. For 20 years Decker focused on criminal and habeas corpus cases, and now she's come full circle — from appearing often before the Court of Appeals as an advocate to hearing cases as one

of its judges. She's taught appellate advocacy at Richmond Law for 15 years and now reviews it.

Decker says the most surprising thing has been how easy the transition has been from the nonstop pace of public safety operations, crisis control, and management, to the more controlled environment of legal research and writing. She also plans to speak at bar associations to explain the appellate process and standards, particularly to new lawyers.

"I truly believe in mentoring," Decker said. "I think it's so important for our newest members of the legal profession to understand that you can do anything if you put your mind to it, work hard, and remain true to the high standards expected by those you serve."

# CLASS NOTES

Class news, alumni profiles, and events



**We want to hear from you. Send us your note via the “Submit a Class Note” link at [lawmagazine.richmond.edu](http://lawmagazine.richmond.edu), email us at [lawalumni@richmond.edu](mailto:lawalumni@richmond.edu), or contact us by mail at Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, or at 804-289-8028.**

## 1950s

**Ralph Dillow Jr., L’58**, of Bristol, Va., has practiced law for more than 50 years. His daughter, **Faith Dillow Esposito, L’83**, was featured in a *Bristol Herald Courier* article March 30. She is married to **Mark Esposito, L’83**. In addition to her career as a divorce and criminal defense lawyer, Faith is a substitute judge and has been involved with numerous civic organizations, including the Bristol Virginia Public School Foundation.

**Pat Graybeal, R’52 and L’58**, and **Jill Lobach Graybeal, W’52**, celebrated their 60th wedding anniversary last summer with a trip to Bermuda with their extended families.

## 1960s

**Joe Johnson, L’60**, retired in January after 28 years as delegate in the fourth district of Virginia. He continues to have a law practice in Abingdon, Va.

**Irving Blank, L’67**, is vice president of the Virginia Law Foundation. He was

also named again to *Virginia Super Lawyers*. Blank was honored as an Outstanding Alumnus at Danville Community College for his career and civic activities. He is a personal injury attorney with Paris Blank in Richmond.

**Nathan Miller, L’69**, the managing partner at Miller, Earle and Shanks in Harrisonburg, Va., has been named a fellow of the Virginia Law Foundation. Miller is a former member of the Virginia House of Delegates and the Virginia Senate. He is the chair of the board of trustees at Bridgewater College and is a board member of the Rockingham Historical Society.

## 1970s

**Charles L. Williams Jr., L’70**, an attorney at Gentry Locke Rakes & Moore, was named to the 2014 Best Lawyers and Best Lawyers in America by *U.S. News* in the areas of environmental law and litigation-environmental.

**Bruce Kushner, R’69 and L’73**, retired after serving as a judge in the Juvenile and Domestic Relations District Court in Chesapeake, Va., for more than 14 years. He also served as chair of the Chesapeake Hospital Authority.

**Dennis Laing, L’74**, the director of Sino-Global Shipping America, has been ranked in the top quartile of NASDAQ

performers by BuySellSignals.com’s news bites. He practiced law in Richmond for more than 30 years and joined Sino-Global Shipping America’s board of directors in 2007. He is also on the board of directors of eFuture, a leading provider of software and services to China’s retail and consumer goods industries.

**R. Leigh Frackelton Jr., L’77**, was recognized in December 2012 for the second time in three years as a “Super CPA” educator by *Virginia Business* magazine and the Virginia Society of Certified Public Accountants. Frackelton is a professor of business at Mary Washington College.

**Paul Fraim, L’77**, has been the mayor of Norfolk, Va., since 1994. He was previously a member of city council. He is president of the law firm Fraim and Fiorella. He and his wife, Beth, have four children.

**Jim Meath, L’79**, chairman of the board of directors at Williams Mullen in Richmond, is president of the Virginia Law Foundation.

## 1980s

**Cynthia Bailey, L’82**, is Virginia’s deputy attorney general for health, education, and social services. She previously served as assistant attorney general under Virginia Gov. Gerald Baliles and in the office of Attorney General Mary Sue Terry.

At the class of ’64 reception during Reunion Weekend, Dean Wendy Perdue gave “Honor Guard” pins to alumni. Pictured here are Marvin Hillsman, R’61 and L’64, and his wife O’Neil; Ebb Williams, R’61 and L’64, and his wife Gayle; W’61, Ralph Goldstein, L’64, and his wife Bobbie at a reception at the Virginia Museum of Fine Arts.





**John Catlett, L'82**, is chair of the board at St. Joseph's Villa in Richmond. He is a shareholder at Sands Anderson and works in the firm's estates and trusts division.

**Faith Dillow Esposito, L'83**, of Bristol, Va., was featured in a *Bristol Herald Courier* article March 30. She is the daughter of **Ralph Dillow Jr., L'58**, and is married to **Mark Esposito, L'83**. In addition to her career as a divorce and criminal defense lawyer, she is a substitute judge and has been involved with numerous civic organizations, including serving as chair of the BVU Authority board and vice chair of the Bristol Virginia Public School Foundation.

**Steve Farrar, L'82**, was named by *South Carolina Super Lawyers* magazine as one of the top 10 attorneys in the state for 2014.

**Phyllis Katz, L'82**, is a shareholder at Sands Anderson in Richmond, where she specializes in employment, government, and nonprofit law. She is a co-founder of the Legal Information Network for Cancer, which helps hundreds of cancer patients each year effectively deal with the nonmedical impacts of the disease.

**A. Ellen White, L'83**, received the Family Law Service Award from the Virginia State Bar's Family Law Section in April. White has been a juvenile and domestic relations judge since 1994 and currently sits for Campbell County, Va. She was honored for her commitment to Virginia's families and, in particular, her work with the Intensive Case Monitoring Program that provides alternatives to jailing for parents who fail to pay child support.

**Suzanne Fadely Frye, L'84**, was appointed special prosecutor for the multi-jurisdictional drug task force in the northern Shenandoah Valley. She had been the assistant commonwealth's attorney since 1995.

**Tom DiBiagio, L'85**, is a partner in the Washington, D.C., office of Baker Botts. He was formerly a U.S. attorney for the district of Maryland and a partner at McKenna Long & Aldridge.

**Teri Lovelace, L'85**, is vice president of community investments and impact at Virginia Community Capital in Richmond.

**Donald McGayhey, L'85**, is a Realtor at The Soda Group in Sarasota, Fla., which has joined Premier Sothebys International Realty. Prior to joining The Soda Group, he had a law practice for nearly 20 years and served as a mortgage-closing attorney for a New York bank.

**Brian Richardson, L'85**, has made one of the country's fastest electric motorcycles. He and former American Motorcyclist Association professional racer Thad Wolff partnered with sponsors IceWarp and Richmond-based Markel Corp. to modify Richardson's Moto-Electra. The original Moto-Electra won the first officially sanctioned race between an electric and gas-powered motorcycle in 2010 at Barber Motorsports Park in California. Richardson and his wife, Betty, run a farm in Highland County, Va.

**Mark Brennan Sr., L'86**, is the assistant managing partner at Vandeventer Black in Richmond.

**James Cosby, L'86**, is managing partner in Vandeventer Black's Richmond office.

**Mary Burkey Owens, L'86**, founding partner of Owen & Owens in Richmond, was profiled Nov. 27 in *Virginia Business* magazine. Her work focuses on collaborative law, mediation, and real estate law. She was also named to *Virginia Super Lawyers*.

**David Webb, L'86**, is vice chairman of CBRE's capital markets group in Washington, D.C. The Greater Washington Commercial Association of Realtors has honored Webb as top financing broker four times in the past six years.

**Stephen Setliff, L'87**, is included in the 2014 edition of *The Best Lawyers in America* in the categories of transportation law; railroad law; mass tort litigation/class action: defendants; and personal injury litigation: defendants. He is a founding partner of Setliff & Holland in Richmond.

**Lynwood Lewis, L'88**, won the 6th Senate District seat in Virginia last November. He is an attorney with Custis, Dix, Lewis and Custis in Accomac, Va., and prior to his election to the state senate, he had been serving in Virginia House of Delegates since 2003.

**Lisa Comber Hall, L'89**, was elected president of Pennsylvania's Chester County Bar Association. She is the principal shareholder in Hall Law Offices and lives in West Chester, Pa., with her husband, John, and her children Jack, Emily, and Natalie.



From the class of '69, Gerry Daltan, Walter Felton, George Metcalf, Gene Desvernine, Pat Lacy, Joe Aronica, and Ed Younger; Sara Wilson, L'78, George Metcalf, and Marla Graff Decker, L'83; Rob Tyler, R'84 and L'89, with wife Ginny, Phil Burks, and Ann Burks, L'84 visit during Reunion Weekend.

**Stewart Leeth, R'85 and L'89**, is assistant vice president for environmental and corporate affairs and senior counsel for Smithfield Foods. In 2011, he was honored by Ethisphere Institute, an international think tank focused on corporate social responsibility and sustainability as one of its "Attorneys Who Matter." He and his wife, Billie, live in Richmond.

**Benjamin Riggs, L'89**, is general counsel for PeoplesBank in Lancaster, Pa. He was previously assistant general counsel for Waypoint Bank.

## 1990s

**John Eads, L'90**, is a partner at Wilson Elser, an AmLaw 200 firm, in Novi, Michigan. He has 25 years of experience handling high-exposure medical malpractice cases. He also works on general liability, legal malpractice defense, business and employment disputes, contract actions, and municipal/school liability matters.

**Eric Hurlocker, R'87 and L'92**, a founding partner of GreenHurlocker in Richmond, has been named to the Small Solar Working Group stakeholder group on distributed solar generation and net metering. The group was formed to seek common ground in encouraging solar development in Virginia in keeping with the commonwealth's energy policy.

**Jim Kibler, L'93**, is senior vice president, external affairs and public policy, at AGL Resources in Atlanta. His expanded role at AGL will focus on shaping public policy for one of the nation's largest natural gas companies.

**Mark Leep, L'93 and GB'93**, was the feature interview and is on the cover of the August 2013 issue of *Compliance Today*, a monthly publication of the Health Care Compliance Association. He oversees human subject research protections operations for Bon Secours Health System Inc.

**Katya Newton Hendon, L'95**, is deputy director of the Virginia Department of Forensic Science. She was previously the director of legislative and public rela-

## ALUMNI PROFILE

### The curious learner

#### John L. Walker III, L'89



At first glance, John L. Walker III appears to have simply followed in his family's well-trodden footsteps to become the third John Walker to practice law and serve as president of the Virginia Bar Association.

But after graduating from the University of Virginia in 1983, he put his music and writing skills to work at National Geographic in Washington, D.C., and tried to pursue a songwriting career on

the side. Ultimately, he decided his writing skills would serve him well as a lawyer, and he graduated from Richmond Law in 1989, where he won best advocate in the Carrico Moot Court competition. But it was the pursuit of knowledge, not just his pedigree, that drove Walker's interest in law.

"The practice of law — particularly as a litigator — requires the practitioner to become an expert in the subject matter of every case, no matter how diverse or complex," he said. "Consequently, there is a whole new world to master and an ongoing education. For the curious learner, it is a tremendous way to make a living."

Walker has tried to model his life and career after his father, John L. Walker Jr., and grandfather, John L. Walker, but he chose to practice law outside his native Roanoke "to make a name for myself outside their shadows." As a partner at Williams Mullen in Richmond, he focuses on business litigation and has handled a wide variety of cases involving land use disputes, corporate acquisitions and dissolutions, utility regulation, health care disputes, fraud, banking regulations, and trade secrets.

As president of the largest voluntary bar association in Virginia, he works to improve the administration of justice through VBA initiatives in advocacy, pro bono, and professionalism. "It's very satisfying to be part of an organization that gives back in such a big way," Walker said. Walker was also president of the Virginia Law Foundation from 2007–08.

When he's not working, Walker says he enjoys exploring both big cities and the countryside with his wife, Julie, or enjoying a good meal with family and friends and "some great tunes on the box." He still plays acoustic guitar — both original Americana and covers from Bruce Springsteen, Neil Young, and the like. After a hiatus, he'll be back on stage in November with the Bart Chucker Band at Home Team Grill in Richmond.

—Catherine Amos Cribbs

tions for the office of the executive secretary of the Supreme Court of Virginia.

**Carlos Hopkins, L'96**, is counsel to Virginia Gov. Terry McAuliffe. He holds the rank of lieutenant colonel in the Virginia Army National Guard and lives in Henrico County with his son, Isaiah.

**Christopher Jones, L'96**, is a partner at Whiteford Taylor & Preston in Falls Church, Va. He and his wife, Kate, have two daughters: Sarah, 11, and Abby, 9.

**Rick Klau, L'96**, a partner at Google Ventures, leads the company's Startup Lab, which connects entrepreneurs from portfolio companies with experts at Google. He delivered the keynote speech at the ABA Techshow in Chicago in March.

**Dana Withers, L'97**, is senior counsel on the labor and employment practice area team at LeClairRyan in Richmond.

**Lisa Barnes Butler, L'98**, is assistant general counsel with Ferguson Enterprises. She manages trademark and e-commerce matters.

As the executive director of the U.S. Industrial Pellet Association, **Seth Ginther, L'99**, is the global voice of the fastest-growing U.S. biomass segment. He is also co-managing partner of Hirschler Fleischer's energy and infrastructure group.

## 2000s

**Chris Dobbins, L'00**, is president of Pacific Stock Transfer Company in Las Vegas. He joined the company in 2009 as general counsel.

**Jaime Head Hoyle, L'00**, was appointed chief deputy director of Virginia's Department of Health Professions by Gov. Terry McAuliffe. For the past eight years she has been the senior attorney health policy analyst for the commonwealth's Joint Commission on Health Care.

**Jacqueline "Suzanne" Long, L'00**, has rejoined the Richmond office of McGuireWoods as a partner in the firm's corporate practice. She recently completed a two-year term as executive director of the Virginia Resources Authority.

**Leigh Archer, L'01**, was appointed director of administration in the office of attorney general by Virginia Attorney General Mark Herring, L'90. Most recently she was the EEO and employee relations manager at the Virginia Department of Health.

**Dale Mullen, L'02**, is a partner at McGuireWoods in Richmond. He and his wife, Victoria, have two sons, Jacob, 19, and Thomas, 15.

**Molly Nicholson Peacock, L'02**, founder of the Peacock Law Firm in McLean, Va., contributed a chapter to *Stand Apart: Stand Out Strategies from Today's Leading Entrepreneurs and Professionals to Help You Achieve Health, Wealth, & Success*. It is a compilation of practical advice from authors around the world.

**Michele Burke, L'03**, is a partner at LeClairRyan in Richmond. She was one of the lead lawyers for the plaintiffs in *Colgate, et al. v. The Disthene Group, Inc.*, which was tried over 14 days in Buckingham, Va., and resulted in a \$70 million settlement.

## Alumni events

**August 8**  
Alumni reception in Boston

**October 24**  
Fall Gathering

Visit [law.richmond.edu/alumni](http://law.richmond.edu/alumni) for details and more events as they're scheduled.

**Matthew B. Chmiel, '00 and L'03**, is a partner in the Richmond office of Kaufman & Canoles. He is a member of the firm's commercial litigation practice group.

**Andrew Geyer, L'03**, is a partner in the Richmond office of Hunton & Williams.

**Charles Homiller Jr., L'03**, is on the litigation team at MeyerGoergen in Henrico County, Va.

**Adam Kinsman, L'03**, is the assistant county administrator for James City County, Va. He was named assistant county attorney in 2005 and became deputy county attorney in 2007.

**Lisa Tuck, L'03**, opened the Law Office of Lisa Tuck in the Bon Air area of Richmond where she will continue practicing in the areas of elder law, estate planning/administration, special needs law, and fiduciary litigation.

**H. Clay Gravely, L'04**, married Jennifer Breakell Beeler on June 22, 2013, in Halifax, Va. The couple lives in their hometown of Martinsville, Va., with

Members of the classes of '99 and '04 and their guests at the VMFA.





their three dogs. Clay is the commonwealth's attorney for Martinsville.

**Jeffrey M. Black, L'05**, is an associate attorney at Plachta, Murphy & Associates in Grand Rapids, Mich. His practice focuses on estate planning, probate administration, long-term care, business law, real estate law, and litigation.

**Lauren Brady Carroll, L'05**, and **Jamie Lynn Karek, L'05**, have formed the Commonwealth Law Group. Their practice focuses on personal injury, workers' compensation, employment law, and civil rights.

**J.C. Chenault V, L'05**, is a partner at Hunton & Williams in the firm's Richmond office. His practice focuses on commercial real estate transactions.

**Megan Martz Gilliland, L'05**, is a partner at Christian & Barton in Richmond. She concentrates her practice on public finance, local government, general-corporate, and tax-related matters.

**Jamie Lynn Karek, L'05**, and **Lauren Brady Carroll, L'05**, have formed the Commonwealth Law Group with Seth Carroll, Dana Charback, Matthew Lastrapes, and Elyse Stiner. Their practice focuses on personal injury, workers' compensation, employment law, and civil rights.

**Brandy Rapp, L'05**, joined Whiteford Taylor & Preston in the firm's Roanoke, Va., office. She has been recognized as a Virginia Super Lawyer Rising Star in bankruptcy and creditor/debtor rights by *Law & Politics* magazine from 2009–13, and she is listed in the 2013–14 *Best Lawyers*.

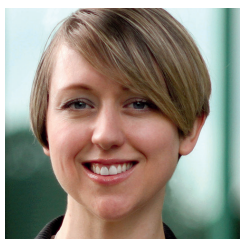
**Dawn Bell Williams, L'05**, is a shareholder in the Washington, D.C., office of Carlton Fields Jorden Burt. She is a member of the firm's financial services and insurance litigation, national class actions, and national trial practice groups.

**Kaity Kasper, L'06**, is an attorney working in commercial litigation specializing in health care matters at HDJN in Glen Allen, Va. She volunteers for the Virginia Commonwealth University's

## ALUMNI PROFILE

### A link to fulfillment

#### Crista Whitman Gantz, L'07



Crista Gantz liked her work as an attorney. She just didn't love it.

So she took a leap of faith: She quit.

"It was important work, but it was very difficult to find passion in it," Gantz recalled of her gig as a corporate attorney collecting, reviewing, and helping negotiate discovery motions in massive product-liability cases. Twelve- or 14-hour days were typical. After five years, she explained, "I hit a wall."

With the support of her husband, Patrick, who works at Genworth Financial Inc., she left the firm. No backup plan. No job lined up.

Gantz grew up in a family on the move as the daughter of a military doctor she calls her hero. She'd planned to go into medicine but found the science courses to be less inspiring than she'd hoped. But she had always been an active volunteer, something she says was reinforced by the pro bono-friendly culture at Richmond Law.

At her former job, she had helped organize a fundraiser for the Legal Information Network for Cancer, a Richmond-based nonprofit that helps families struggling with cancer to gain advice from volunteer attorneys. She began volunteering at LINC, helping with client services and building a database.

LINC has strong ties to Richmond Law. It was co-founded in the 1990s by law professor Ann Hodges and alumna Phyllis Katz, L'82. Tamar Schwartz, who teaches legal writing at the school, is a former executive director.

Schwartz said she was not surprised by Gantz's volunteer work with LINC. "She's a very positive, energetic person — very dedicated, extremely hardworking. And she's a tremendously talented lawyer."

In August 2013, LINC's director of client services left to pursue a law degree at Richmond. "I'd been wondering, 'Why isn't an attorney in the client-services position?'" Gantz said. She decided to pursue it.

LINC's executive director warned her the pay would be far less than she'd been used to. Gantz shrugged that off, took the job, and hasn't looked back.

Her job as client-services attorney allows her to explore issues from wills and powers of attorney to advance medical directives and employment discrimination. "It was pretty scary when I started," she acknowledged.

But she loves the work and its connections between law and healing. "I always really admired my dad for his work making people get better," Gantz said. "I don't think I knew as an attorney that I could be part of that."

Her corporate work left her unfulfilled. Now? "I get thank-you notes every day."

—Greg Weatherford

Massey Cancer Center, serving as chair of the Massey Challenge race, which brings in about \$500,000 in donations each year. She also works with the Boaz & Ruth foundation in Richmond, which helps get convicts back into life after imprisonment.

**Adam Mordecai, L'06**, is an attorney in the Manchester, N.H., office of Primmer Piper Eggleston & Cramer. He is a board member, past chair, and past New Hampshire president of the Tri-State Defense Lawyers Association.

**Antoinette Morgan Walker, L'06**, married Jerome Walker in September 2013 in Richmond. **Kimberly Brown-Gibbs, L'07**, and **Tracey Evans, L'08**, were in the bridal party. Antoinette is a partner with Morris & Morris in Richmond. Her litigation practice focuses on the areas of civil rights, commercial disputes, retail liability, and insurance defense.

**Justin Fulton, L'07**, is a principal and client strategist at Signature in Norfolk, Va. He was selected to *Inside Business'* Hampton Roads Top 40 Under 40 for 2013. He and his wife, Laura, have 3-year-old twins, Reagan and Makenna, and live in Virginia Beach, Va.

**Gretchen Ostroff, L'07**, is a senior associate at Vandeventer Black in Norfolk, Va., where she specializes in construction law and litigation and professional liability defense of architects and engineers. She was selected by *Virginia Business* to the list of Legal Elite Young Lawyers for 2013. She and her husband, Ethan, have a daughter, Cecelia, 1.

**Brian Kirby, L'08**, is general counsel of US 460 Mobility Partners, headquartered in Suffolk, Va.

**Missy York, L'08**, was recognized as a Rising Star in the 2013 edition of *Virginia Super Lawyers*. She is an attorney with Morris & Morris in Richmond. She and her husband, Chris, welcomed a baby boy, Hudson, in February. The family lives in Midlothian, Va.

**Chivonne Thomas Jones, L'09**, was appointed to the board of directors for Legal Services of the Virgin Islands.

**Zachary Powell, R'05 and L'09**, and his wife, Kitty, celebrated the arrival of their daughter, Persephone Rose, in February. He is an attorney at Powell Law in Powhatan, Va.

## 2010s

**David Abbondanza, L'10**, was promoted to senior counsel at BrownGreer, where he designs and directs the implementation of processes to review claims and move them efficiently to completion. Prior to his law career, David was a financial analyst at Capital One in Richmond.

**Leah Moore Henschen, L'10**, an estate settlement officer with U.S. Trust, Bank of America Private Wealth Management, is on the board of directors of the Capital Region Land Conservancy.

**Andy Bolt, L'11**, is a navigator for Enroll Virginia, a program created by the Virginia Poverty Law Center to help people buy insurance on the exchanges in order to meet the requirements of the Affordable Care Act. He works in Harrisonburg, Va., and serves the Shenandoah Valley.

**Mary Rennie "M.R." Rowe, L'11**, has joined the corporate department with the estate and trust practice group at Dinsmore & Shohl in Charleston, W.Va.

**William Van Thunen, '06 and L'12**, and his wife, **Amanda Ruymen Van Thunen, '06**, welcomed a son, William "Wills" Roy, in February. The family lives in Henrico, Va. Amanda is the associate

director of donor and board relations at the MCV Foundation and William is an associate at Hunton & Williams.

**Timothy Wiseman, L'12**, is an associate in the litigation department at Dinsmore & Shohl in the firm's Lexington, Ky., office.

**Katherine Anthony, L'13**, is an assistant state prosecutor in Maryland. She was awarded a Bridge to Practice Fellowship and worked as a legal fellow at Maryland's Office of the State Prosecutor from August to November 2013.

**Mark Bong, L'13**, is an attorney with Dyer Immigration Law Group, where he specializes in criminal defense and family law. Prior to attending law school, he was a law enforcement officer in Florida for 12 years.

**J. Patrick McNichol, L'13**, works for the litigation group at Ober|Kaler in Richmond. His practice focuses on complex civil litigation with a concentration in business, construction, and admiralty matters.

**Frank Talbott V, L'13**, married Emily Valentine Beck on Aug. 10, 2013, in Richmond.

**Eric Wallace, L'13**, joined GreeneHurlocker as an associate in energy law and litigation.

**Jimmy Wood, L'13**, is an associate on the business immigration law team at Willcox Savage in Virginia Beach, Va.

**Kathleen Dwyer, L'14**, is the winner of the 2014 Oliver White Hill Law Student Pro Bono Award from the Virginia State Bar Committee on Access to Legal Services. During law school, she volunteered with an intensive writing project through the school's Pro Bono Veterans Appeals Program and worked extensively with a local attorney representing an indigent defendant. She wrote the appellate briefs and argued the case before the Virginia Court of Appeals.

## IN MEMORIAM

**Walther B. Fidler, L'49**  
Nov. 28, 2013

**Herbert G. George, L'50**  
March 1, 2014

**Charles L. Apperson, L'51**  
Dec. 31, 2013

**John Cole Gayle, L'52**  
Jan. 29, 2014

**James H. Foreman, L'56**  
Nov. 17, 2013

**William H. "Bill" Daughtrey Jr., L'58**  
Feb. 1, 2014

**W. Murray F. Bayliss Jr., L'62**  
Dec. 19, 2013

**Frank J. Ceresi, L'74**  
Jan. 14, 2014





## They did it.

The Class of 2014 celebrated commencement May 10. Welcome to the profession, and welcome to the ranks of Richmond Law alumni.

